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NEW TERM BEGINS**Gear is Chary About Excusing Jurors.****COURT CALENDAR IS CALLED****Attorneys Ask Postponements Believing That Third Judge Will Soon Be Appointed.**

Court room and corridors were thronged with crowds of curious people yesterday morning, when Judge Gear called the grand and petit juries for the August term. The attorneys were out in full force, and the long calendar called forth many comments from the members of the bar. There seemed to be a general impression that a third judge was soon to be appointed, and several attorneys had cases postponed in anticipation of this appointment. Unless there is a third judge, Judge Gear stated that the cases passed yesterday will not be reached for two years.

JURORS ARE EXCUSED.

The jurors summoned for the term were called up at 10 o'clock. Henry R. McFarland was the first man to request that he be excused from serving, stating that as he was consul for Denmark here he was afraid it would interfere with his duties. His request was granted.

L. C. Ables asked for his release from jury service, on the ground that he had a ready done his duty in this line, having served on every jury since the first Grand Jury was drawn in the Territory. Mr. Ables was very strenuous in his request that he be allowed to go, but the court refused the desired permission.

James Love asked that he be excused on the ground that it would interfere with his attendance in the Federal court, as the Pearl Harbor condemnation proceedings were soon to be heard, and he was needed in the suit against the Honolulu plantation, of which he is manager. George P. Castle started to tell the court that he had planned a trip to Maui, but Judge Gear thought that "he excuse was insufficient and interrupted him.

Bert Peterson, who said he was not feeling well, was also retained as a juror in the hope that he would recover. A. W. Pearson, manager and treasurer of the Hawaiian Gazette Co., asked to be excused, stating that the president of the company was on the coast and that the secretary had been drawn as a juror, leaving the company without a single officer. The court asked if there was no provision in such a case and was told that there had never been such a contingency before. Chas. S. Crane, secretary of the company, was then called, and stated that he was willing to serve as long as one officer of the company was excused. Judge Gear then excused Mr. Crane.

Prince David was excused for a week, as he is going to Hawaii with the remains of Mrs. Parker this morning. Messrs. B. F. Dillingham and P. C. Jones were not in court, having been excused by Judge Gear for a week. Both juries were dismissed, to appear in court this morning at 10 o'clock.

CALENDAR IS CALLED.

Judge Gear then called the calendar for the August term. Because of his having been connected as an attorney or in some other way the court held that he was disqualified in the following cases, which will consequently be heard by some other judge: S. Ahmi vs. Annie Waller et al., J. P. Mendonca vs. George Markham, Rosamond Naylor vs. Orpheum Company, Honolulu Investment Company vs. Wilson and Whitehouse Company, J. L. Howland vs. Byron O. Clark, Eugene Avery vs. The Hawaiian Gazette Company, Eugene Avery vs. W. C. King, Henry Zerbe vs. The Honolulu Tobacco Company, David Dayton, guardian vs. Helen K. Rowland et al., Honolulu Investment Co. vs. K. Rowland et al., John Cook vs. E. Coit Hobron, John Loeffler vs. Palama Co-operation Grocery Company, T. W. Hobron vs. Charles L. Helm, E. H. F. Wolter vs. F. H. Redward, G. F. Gouveia vs. T. R. Walker et al., trustees, Rita C. vs. Irving K. Tewsbury, divorce.

Notice of discontinuance was filed in the following cases:

Keapuni Kakaha vs. Kahapilani, divorce, F. J. Cabral vs. N. J. Luiz, Gehring Butzke vs. Campbell and Minton, and L. R. Burns vs. Mutual Telephone Company. The case of G. F. Robert, trustee vs. S. Kaul et al., was stricken from the calendar.

Judge Gear announced that he would hold a special term of court immediately following the close of the August term, and that he would continue to hold court until the calendar was in better shape.

Divorce cases

Divorce cases were set down for hearing as follows: Strauss vs. Strauss, noon today; Kaonohi vs. Kaonohi, Monday, August 12; Kalolawe vs. Kimokeo, August 8; Sam Moe vs. Chang Quon, August 17; Lopez vs. Lopez, next Thursday; Napua vs. Napua, next Monday; Daniel vs. Daniel, Tuesday, August 13; Noholua vs. Noholua, a week from Friday; Peters vs. Peters, two weeks from yesterday; Nunes vs. Nunes, two weeks from today; Christley vs. Christley, next Saturday; Houpo vs. Houpo, August 23rd. Nearly all these cases are to be heard at noon and will not interfere with the regular business of the courts.

Appeals were also entered in the various criminal cases. In the case of the Territory of Hawaii vs. Wm. Wolfson, gross cheat, a continuance was granted until next term on the plea that the defendant was an enlisted soldier of the United States and it was necessary to communicate with the authorities at Washington.

WOULD OUST MAGOON**James Love Wants Guardianship to Cease.****WOMAN MAKES A SCENE IN COURT****Says Children Are Starving—Alleged Widow of James Hunt Claims His Estate.**

James Love, spendthrift, with some fifty thousand dollars in his own right, cooking and baking for a living, this was in brief the testimony brought out in the Circuit Court yesterday afternoon in the action brought to terminate the guardianship of J. A. Magoon.

Love, in his petition, makes charges of mismanagement against Magoon and claims also that the latter is administering his property in the interest of his alleged daughter, Mrs. Anna Hart. Thomas Fitch appears for Love, and Magoon was assisted in his defense by F. E. Thompson.

John Richardson was the first witness on the stand yesterday when the case was called for trial. There was some objection on the part of Mr. Fitch to the presence of Mrs. Hart, he claiming that she was not a party to the suit, and should be excluded with the remainder of the witnesses. Judge Gear held, however, that Mrs. Hart was a respondent according to Fitch's own statement, and allowed her to remain.

Richardson testified that he had known Love for three years, and had often visited him at the Roe home on Waikiki road. He said he had never seen the plaintiff under the influence of liquor.

Representative John Emmeluth was next called to testify as to his transactions with Magoon, relative to some property belonging to Love. During the course of the examination both the witness and defendant used some rather harsh language in speaking of each other. Both were free in their accusations that the other had attempted to "throw him down."

Emmeluth, it seems, holds a lease on certain property on King street owned by Love. He also owns property in that vicinity which adjoins other land of the plaintiff, and it appears that they had been trying to make a trade, by which Emmeluth was to cancel his lease to certain of Love's property in consideration of a lease on another portion. The plaintiff claims that if this could have been done Love might have sold his land for \$25,000, Magoon in his examination of Emmeluth asked if he had not been holding this lease as a club to force the making of a new lease, which insinuation the witness indignantly denied and intimated that it was Magoon who was trying to force him to a deal. The court finally ended the controversy, which threatened to become violent, by telling the attorneys to proceed, remarking that the court was not the place for Magoon and Emmeluth to air their real estate deals.

L. C. Reid testified that he had known Love for three or four years and had seen him several times a week during that time.

He generally saw him at the Roe home and never found him under the influence of liquor. On cross-examination the witness testified that when the liquor was passed Mr. Love would refuse it if he had had enough. The witness defined this stage as "when you get a sufficiency," "when your appetite is satisfied," and "when you don't want any more."

John B. Kermann said he resided next door to the Roes and saw Love about once a month; did not see him under the influence of liquor. Once he was in a jolly mood, singing and shouting. He testified that he had seen him working about the kitchen, and understood that he was the family cook.

William Lions, who had married a daughter of Roe, testified that he had seen Love about once a week for the past year, but that previous to his marriage he had called at the Roe home every night. He testified that he had never seen him under the influence of liquor. This witness also testified that Love was generally in the kitchen. He didn't know whether he was working for his living or not.

W. C. Roe said he had known Love for twenty-four years, and that he had lived at his house since 1894, as a boarder, paying a dollar a day for the privilege. He testified that Love drank whenever he wanted to, but in the twenty-four years he had never seen him under the influence of liquor. He defined a drunken man as one who "when he is intoxicated is unable to take care of himself." When pressed for a further definition by defendant he said he was not a "studier of the dictionary." He said he had been intoxicated once twenty years ago, and that he could drink more than could Mr. Love. Witness also testified that Love

referred to "his miserable existence" and "not being a free man." He also stated that Love did the cooking for the family sometimes, but was not the family cook. This closed the testimony for the afternoon and the case was laid over until today at 4:30 o'clock. Judge Gear stated that he would not believe Love to be a spendthrift, and it must first be proven that he was, by defendant. If he needed a guardian he would be given one but not as a spendthrift unless there was some evidence to show that he was one.

TO CANCEL A LEASE.

Another case of much interest had some of the same features as the Love suit. This was the application of William H. Hall against C. Y. Nam, to compel the cancellation of a lease on some valuable properties in Olan. Hall is a mere youth, and only recently attained his majority. The defendant is a Chinese, and about a year ago he obtained a five years' lease of the property at a rental of \$1,200 per year, the point now being raised that the land is worth three times that amount. The suit to cancel the lease is brought on the ground that the defendant exercised undue influence over the plaintiff, in compelling him to sign the papers.

Hall was on the stand nearly the entire afternoon, and told of his relations with the defendant. He said that Y. Nam frequently lent him money in sums of ten to a hundred dollars, always taking his promissory note for the loans. That the defendant not only made him loans whenever he asked it, but frequently pressed money upon him, telling him not to worry about paying it back. Plaintiff also testified to his own behavior, and told of numerous orgies and spees, for which defendant furnished money. He said he had been receiving but \$25 per month for the land, and that defendant had told him \$100 a month was a good price to get for it, so he signed the lease for twenty-five years. Plaintiff had also been in trouble with his wife and had run away from her, defendant helping him to get away. The young man's behavior had not been of the best, and he needed the urging of his attorneys before he overcame his reluctance to tell of his numerous escapades, in which the defendant always turned up as his good angel. He testified that the lowest price he had been offered for the land now was \$300 per month. The case was continued until this morning with Hall still on the stand.

A SCENE IN COURT.

Mrs. Dollinger, who had been hovering about the courtroom all day, created a scene just before court adjourned last evening. It appears that the woman has in her keeping the children of Mrs. Stegmann, who was killed some time ago. The Stegmann's will is still in probate, and the administrator, J. A. Magoon, has not made a final accounting yet, it appearing that the debts of the estate

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will more than wipe out whatever assets there are on hand. The woman has brooded over the matter for such a long time that her mind is affected, and she believes that the children are entitled to \$5,000, and that her attorney has not been working for her interest, when, in fact, he has been doing all he could to clear up the matter. Mrs. Dollinger broke in upon the court yesterday during the trial of the Magoon case, and before any one could prevent her, was before the bar making a loud and violent demand for the money belonging to the children whom she said were starving for want of it. She became hysterical, shrieking and wringing her hands, all the time demanding her money, and that her attorney be removed. She was finally led away by a bailiff, after Judge Gear had told her she must wait until the report of the guardian was made in court. The attorney withdrew from the case.

CLAIMS TO BE THE WIDOW OF JAMES HUNT.

An alleged widow of the late James Hunt put in an appearance yesterday as a claimant to his estate. She claims to have been married to the deceased in Honolulu fourteen years ago, though letters from the mother and sister of the late fire chief state that to their knowledge he had never been married. It is claimed that the marriage was by common law process. The court asked if the widow be produced in court, as she should be made administratrix, but it was stated by her attorney that she did not want the appointment, and George Ashley, one of the creditors of the estate, was chosen. The property is valued at about five thousand dollars.

COURT NOTES.

D. H. Case has been appointed guardian ad litem for the minors Madeline and Eleazar Lazarus, in the partition case of Adelaide Schief and husband vs. Joseph Clark and others. Mr. Case has filed an answer, asking an order for the sale of the property in question, and the court made the order yesterday.

A return was made yesterday in the case of Mrs. Jane Walker vs. Ah Chew, suit to recover on note for \$8,671.02.

A motion for default has been filed in the case of Kwong Mow vs. Killiona, ejectment.

Motion was filed yesterday asking that the widow of the late Hugh Morrison be granted an allowance of \$300 per month pending the settlement of the estate. The value of the estate is fixed at \$100,000, and it is said to be bringing in an income of \$10,000 per year. The court made the order as prayed.

J. W. Ashley has been appointed administrator of the estate of James H. Hunt, deceased. The estate is valued at \$7,687.45.

property in bond of \$75,000, and Mrs. Rhoebe Raymond is guardian of her person. The estate is valued at \$104,000.

An amended notice of appeal was filed yesterday in the matter of the Kekipi estate.

C. D. BRYANT LIBEL SUIT.

The libel suit of McNerny & Co. vs. the bark C. D. Bryant, was on trial all day yesterday before Judge Estee. It claimed that twenty-six cases of merchandise were delivered to defendant at San Francisco in good order, that the bark C. D. Bryant arrived here with these goods valued at \$1,100, on the 7th day of July, and that the plaintiff has not received the consignment, though the freight on it has been paid. The goods were damaged by water in extinguishing the fire on the Bryant, July 7th, and were afterwards sold at auction. Defendants claim that the fire was one of the perils of the sea, for which they cannot be held responsible. The evidence in the case is not all in and the trial will be resumed this morning.

The libel of the Pearson & Potter Co., Ltd., vs. the C. D. Bryant, is to be heard directly following the McNerny case.

BALLARAT.

Ballarat, which the Duke of York has been visiting, was made by the gold miner, and is still to a certain extent the miner's city. Many of the workings, both old and new, are of great extent, and it is no uncommon thing to see houses out of the perpendicular, and going to rack and ruin because the earth has given way beneath. No attempt is made to build on many sites because the ground is unsafe. The St. Paul's Anglican Church has twice come to grief. Once the whole body of the church went, but left the tower standing. The church was built on the other side of the tower, and the chance, to the astonishment of the congregation, dropped down several feet. The old supreme court also suffered in the same way, and had to be abandoned because it could not be enlarged, and was appropriately used as the School of Mines.

The town sprang into existence just fifty years ago. Gold was discovered in 1851 by a man named Hiscocks, and in a short time tens of thousands flocked here from all parts of the earth. It was at Ballarat the "Welcome Nugget" was discovered in 1853 and sold for \$20,500. Like those of London, the streets of Ballarat are said to be paved with gold, and certainly with more literal truth. Many of the roads were made from miners' refuse, which on being ground down by traffic liberated gold. On this becoming known the roads were in danger of being swept away. The inhabitants were continually cleaning roads, and the town council was compelled to pass a by-law forbidding the sweeping by any one but authorized scavengers.—London Chronicle.